

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK A. BOUSSUM,

Plaintiff,

Case No. 16-12930

v.

Hon. John Corbett O'Meara

SHERMAN CAMPBELL, *et al.*,

Defendants.

**ORDER DENYING MOTION FOR
RECONSIDERATION WITHOUT PREJUDICE**

Before the court is Plaintiff's motion for reconsideration of his request for the appointment of counsel. Plaintiff Mark A. Boussum, a state prisoner, filed this 42 U.S.C. § 1983 action against Defendants, alleging that he was retaliated against for exercising his First Amendment rights. Plaintiff filed a motion to appoint counsel on August 8, 2016, which was denied without prejudice by Magistrate Judge Majzoub on September 23, 2016. Plaintiff filed his motion for reconsideration on March 7, 2017.

As Magistrate Judge Majzoub noted in her order, the appointment of counsel in a civil case is not a constitutional right, but is a privilege "justified only by exceptional circumstances." See Lopez v. Reyes, 692 F.2d 15, 17 (5th Cir. 1982); Lavado v. Keohene, 992 F.2d 601, 605 (6th Cir. 1993). The court is mindful

of the challenges inherent in litigating a case as a pro se, incarcerated plaintiff. However, a review of the complaint and application to appoint counsel does not reveal “exceptional circumstances” justifying the appointment of counsel at this stage of the proceedings. In the event that this case survives dispositive motions and proceeds to trial, the court will revisit Plaintiff’s application.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for reconsideration of his request for appointment of counsel is DENIED WITHOUT PREJUDICE.

s/John Corbett O’Meara
United States District Judge

Date: June 9, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 9, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager